

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 06-50-GMS
	:	
WILLIE BROWN, et al.,	:	
	:	
Defendant.	:	

GOVERNMENT'S RESPONSE TO MOTION FOR TRIAL CONTINUANCE

NOW COMES the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Shawn A. Weede and David L. Hall, Assistant United States Attorneys, and hereby responds to the defendant's Motion for Trial Continuance (D.I. 240) as follows:

1. The government opposes the defendant's motion for the same principal reasons outlined in its response to the defendant's last motion for a continuance. This case is now over two years old and the trial date has been continued a number of times. (D.I. 220 ¶¶ 2-9, 11).

2. In his motion, the defendant indicates that he intends to play the audio-recordings produced as N-15, N-17, N-43, and N-46 at trial in their entirety – notwithstanding the fact that he is apparently opposing the government's motion to admit these recordings into evidence in the first place. Accordingly, the defendant requests a continuance in order to transcribe these recordings. (D.I. 240 ¶¶ 7-9).

3. Transcripts are certainly a useful tool to assist the jury in following an audio-recording as it is being played. The government objects, however, to the underlying premise behind

the defendant's motion.

4. Segments of these recordings are relevant to the charged offenses. Indeed, the government intends to play audio-clips of N-43 and N-46 in its case-in-chief. However, the present motion is predicated on playing (and transcribing) N-15, N-17, N-43, and N-46 in their entirety. These audio-recordings, according to the defendant's own calculations, amount to about six hours of play time. (D.I. 240 ¶ 7).

5. A great deal of these audio-recordings contain completely irrelevant information, such as radio music, idle chatter, or just dead air. It is unclear to the government what purpose playing all of this audio could serve.

6. Accordingly, the government respectfully requests that the Court require the defendant to submit an offer of proof as to the relevance of playing these recordings in their entirety prior to granting a continuance in order to transcribe them.

7. The government further respectfully requests that the Court conduct a telephonic status conference to discuss the defendant's motion.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney

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David L. Hall
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Dated: April 29, 2008